

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RACHAEL LIU, *Individually and On Behalf
of All Others Similarly Situated*,

Plaintiff,

-against-

ICONOCLAST FITNESS, INC. and NGO
OKAFOR,

Defendants.

NGO OKAFOR,

Plaintiff,

-against-

RACHEL LIU,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 2/12/2024

23-cv-525 (MKV)

23-cv-10512 (MKV)

ORDER

MARY KAY VYSKOCIL, United States District Judge:

The Court is in receipt of a letter filed by Mr. Okafor, in 23-cv-525, requesting additional time for counsel to appear on behalf of Iconoclast Fitness, Inc. [ECF No. 26]. Although the Court previously warned that it would not further extend the deadline for counsel to appear, the Court will grant one final extension. **IT IS HEREBY ORDERED that if counsel does not appear on behalf of Iconoclast Fitness, Inc. by March 1, 2024, it will be held in default. THERE WILL BE NO FURTHER EXTENSIONS OF THIS DEADLINE.**

IT IS FURTHER ORDERED that the motion to dismiss Mr. Okafor filed seeking dismissal of the complaint against both defendants [ECF No. 11] is DENIED without prejudice to renewal after licensed counsel appears on behalf of Iconoclast Fitness, Inc. because, as the Court previously explained, Mr. Okafor cannot file motions on behalf of a corporation. *See, e.g., Dow Chem. Pac.*

Ltd. v. Rascator Maritime, S.A., 782 F.2d 329, 336 (2d Cir. 1986); *Hounddog Prods., L.L.C. v. Empire Film Grp., Inc.*, 767 F. Supp. 2d 480, 486 (S.D.N.Y. 2011). If no attorney appears on behalf of Iconoclast Fitness, Inc., and it is held in default, Mr. Okafor, may, if he wishes, file a new motion to dismiss the claims against him personally.

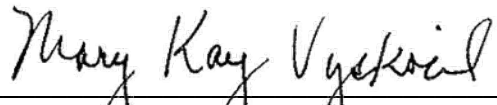
IT IS FURTHER ORDERED that the parties, including Iconoclast Fitness, Inc. through its counsel, shall meet and confer in good faith and then file a joint status letter by **March 15, 2024**. In the March 15, 2024 joint letter, the parties should address: (1) why the two cases captioned above should not be consolidated or the case initiated by Mr. Okafor, 23-cv-10512, should not be dismissed; (2) whether there will be a renewed motion to dismiss and/or whether discovery should proceed; and (3) whether the Court should refer these cases to the District's mediation program or to the Magistrate Judge for a settlement conference.

Plaintiff is directed to serve a copy of this Order on Defendants and to file proof of service on the docket by February 15, 2024.

The Clerk of Court is respectfully requested to terminate the motion at docket entry 11.

SO ORDERED.

Date: February 12, 2024
New York, NY



MARY KAY VYSKOCIL
United States District Judge